

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VR GLOBAL PARTNERS, L.P., PATON  
HOLDINGS LTD., VR CAPITAL GROUP LTD.,  
AND VR ARGENTINA RECOVERY FUND,  
LTD.

No. 07 Civ. 08686

Plaintiffs,

- against -

PHILLIP R. BENNETT, WILLIAM M. SEXTON,  
SANTO C. MAGGIO, JOSEPH J. MURPHY,  
PHILIP SILVERMAN, ROBERT C. TROSTEN,  
RICHARD N. OUTRIDGE, TONE GRANT,  
REFCO GROUP HOLDINGS, INC., THOMAS H.  
LEE PARTNERS, L.P., THOMAS H. LEE  
ADVISORS LLC., THL MANAGERS V, LLC.,  
THL EQUITY ADVISORS V, LLP., THOMAS H.  
LEE EQUITY FUND V, L.P., THOMAS H. LEE  
PARALLEL FUND V, L.P., THOMAS H. LEE  
EQUITY (CAYMAN) FUND V, L.P., THOMAS  
H. LEE INVESTORS LIMITED PARTNERSHIP,  
1997 THOMAS H. LEE NOMINEE TRUST,  
THOMAS H. LEE, DAVID V. HARKINS, SCOTT  
L. JAECKEL, SCOTT A. SCHOEN, AND GRANT  
THORNTON LLP

**Defendants.**

**AFFIDAVIT OF SERVICE**

[illegible]

Michael Timothy Shepherd being duly sworn, deposes and says:

1. I am a resident of the United States, over the age of 18 years and am not a party to the above-captioned case. I am an employee of Milbank, Tweed, Hadley & McCloy LLP, 1 Chase Manhattan Plaza, New York, New York 10005.

**I. Service on Mr. Bennett and Refco Group Holdings Ltd**

2. On October 23, 2007, I caused to be served a true and correct copy of the following documents:

1. the complaint in *VR Global Partners, L.P. et al, v. Phillip Bennett et al.*, 07 Civ. 8686 (S.D.N.Y.) (the “Complaint”); and
2. the summons in *VR Global Partners, L.P. et al, v. Phillip Bennett et al.*, 07 Civ. 8686 (S.D.N.Y.) (the “Summons”)

on Mr. Phillip Bennett and Refco Group Holdings Ltd. (“RGHI”), through delivery of the same to their counsel:

Mr. Jeffrey T. Golenbock Esq.  
of Golenbock Eiseman Assor Bell & Peskoe LLP  
437 Madison Avenue, 35th Fl.  
New York, NY 10022-7302

being a person authorized to receive service of process on behalf of Mr. Bennett and RGHI.

3. Attached as Exhibit A to this affidavit are: (1) an email dated October 12, 2007 from Mr. Golenbock to me confirming that Mr. Golenbock is authorized to accept service on behalf of Mr. Bennett and RGHI; (2) a letter dated October 23, 2007 which I caused to be delivered to Mr. Golenbock enclosing the Complaint, Summons, and applicable Electronic Case Filing materials.

**II. Service on Mr. Murphy**

4. On October 23, 2007, I caused to be served a true and correct copy of the following documents:

1. the Complaint; and
2. the Summons

on Mr. Joseph Murphy, through delivery of the same to his counsel:

Mr. John Jerome Esq.  
of Saul Ewing LLP  
245 Park Avenue, 24th Fl.  
New York, NY 10167

being a person authorized to receive service of process on behalf of Mr. Murphy.

5. Attached as Exhibit B to this affidavit are: (1) an email dated October 23, 2007 from Mr. Jerome to me confirming that Mr. Jerome is authorized to accept service on behalf of Mr. Murphy; (2) a letter dated October 23, 2007 which I caused to be delivered to Mr. Jerome enclosing the Complaint, Summons, and applicable Electronic Case Filing materials.

**III. Service on Mr. Sexton**

6. On October 23, 2007, I caused to be served a true and correct copy of the following documents:

1. the Complaint; and
2. the Summons

on Mr. William Sexton, through delivery of the same to his counsel:

Mr. Ivan O. Kline Esq.  
of Friedman & Wittenstein P.C.  
600 Lexington Ave.  
New York, NY 10022

being a person authorized to receive service of process on behalf of Mr. Sexton.

7. Attached as Exhibit C to this affidavit are: (1) an email dated October 11, 2007 from Mr. Kline to me confirming that Mr. Kline is authorized to accept service on behalf of Mr. Sexton; (2) a letter dated October 23, 2007 which I caused to be delivered to Mr. Kline enclosing the Complaint, Summons, and applicable Electronic Case Filing materials.

**IV. Service on Thomas H. Lee Partners L.P and related entities and individuals**

8. On October 23, 2007, I caused to be served a true and correct copy of the following documents:

1. the Complaint; and
2. the Summons

on:

- i. Thomas H. Lee Partners, L.P.;
- ii. Thomas H. Lee Advisors LLC;
- iii. THL Managers V, LLC;
- iv. THL Equity Advisors V, LLP;
- v. Thomas H. Lee Equity Fund V, L.P.;

- vi. Thomas H. Lee Parallel Fund V, L.P.;
- vii. Thomas H. Lee Equity (Cayman) Fund V, L.P.;
- viii. Thomas H. Lee Investors Limited Partnership;
- ix. 1997 Thomas H. Lee Nominee Trust;
- x. Mr. Thomas H. Lee;
- xi. Mr. David V. Harkins;
- xii. Mr. Scott L. Jaeckel; and
- xiii. Mr. Scott A. Schoen (together the "THL Defendants")

through delivery of the same to their counsel:

Mr. Seth Goodchild Esq. & Mr. Greg Danilow Esq.  
of Weil Gotshal & Manges LLP  
767 Fifth Avenue  
New York, NY 10153

being persons authorized to receive service of process on behalf of the THL Defendants.

9. Attached as Exhibit D to this affidavit are: (1) an email dated October 10, 2007 from Mr. Goodchild to me confirming that Mr. Goodchild is authorized to accept service of the Complaint on behalf of the THL Defendants; (2) a letter dated October 23, 2007 which I caused to be delivered to Mr. Goodchild enclosing the Complaint, Summons, and applicable Electronic Case Filing materials.

**V. Service on Mr. Grant**

10. On October 23, 2007, I caused to be served a true and correct copy of the following documents:

1. the Complaint; and
2. the Summons

on Mr. Tone Grant, through delivery of the same to his counsel:

Mr. Norman Eisen Esq. & Ms. Laura Neish Esq.  
of Zuckerman Spaeder, LLP  
1800 M. St. N.W., Suite 1000  
Washington, D.C. 20036

being persons authorized to receive service of process on behalf of Mr. Grant.

11. Attached as Exhibit E to this affidavit are: (1) an e-mail dated October 10, 2007 from Mr. A. Goelman Esq. of Zuckerman Spaeder, LLP to me confirming that he is

authorized to accept service on behalf of Mr. Grant; (2) an e-mail dated October 16, 2007 from Mr. A. Goelman Esq. to me requesting that Mr. Eisen and Ms. Neish of Zuckerman Spaeder, LLP be substituted as counsel for Mr. Grant (3) a letter dated October 23, 2007 which I caused to be delivered to Mr. Eisen and Ms. Neish enclosing the Complaint, Summons, and applicable Electronic Case Filing materials.

**VI. Service on Grant Thornton**

12. On October 23, 2007, I caused to be served a true and correct copy of the following documents:

1. the Complaint; and
2. the Summons

on Grant Thornton LLP ("Grant Thornton"), through delivery of the same to their counsel:

Mr. Bradley Lerman Esq & Mr. Bruce Braun Esq.  
of Winston & Strawn LLP  
35 West Wacker Drive  
Chicago, IL 60601

being persons authorized to receive service of process on behalf of Grant Thornton.

13. Attached as Exhibit F to this affidavit are: (1) an e-mail dated October 23, 2007 from Mr. Lerman to me confirming that he is authorized to accept service on behalf of Grant Thornton; (2) a letter dated October 23, 2007 which I caused to be delivered to Mr. Lerman and Mr. Braun enclosing the Complaint, Summons, and applicable Electronic Case Filing materials.

**VII. Service on Mr. Maggio**

14. On October 25, 2007, I caused to be served a true and correct copy of the following documents:

1. the Complaint; and
2. the Summons

on Mr. Santo Maggio, through delivery of the same to his counsel:

Mr. Scott E. Hershman Esq.  
of Hunton & Williams  
200 Park Avenue  
New York, NY 10166-0136

being a person authorized to receive service of process on behalf of Mr. Maggio.

15. Attached as Exhibit G to this affidavit are: (1) an e-mail dated October 24, 2007 from Mr. Hershman to me confirming that he is authorized to accept service of the Complaint on behalf of Mr. Maggio; (2) a letter dated October 24, 2007 which I caused to be delivered to Mr. Hershman enclosing the Complaint, Summons, and applicable Electronic Case Filing materials.

**VIII. Service on Mr. Silverman**

16. On October 25, 2007, I caused to be served a true and correct copy of the following documents:

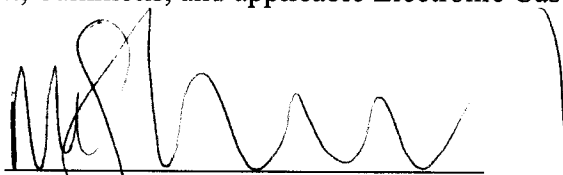
3. the Complaint; and
4. the Summons

on Mr. Philip Silverman, through delivery of the same to his counsel:

Mr. Richard Cashman Esq.  
of Heller Ehrman, White & McAuliffe, LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036-6524

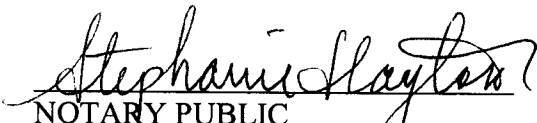
being a person authorized to receive service of process on behalf of Mr. Silverman.

17. Attached as Exhibit H to this affidavit is a letter which I caused to be delivered to Mr. Cashman enclosing the Complaint, Summons, and applicable Electronic Case Filing materials.



Michael Timothy Shepherd

Sworn to before me this  
27<sup>th</sup> day of November, 2007



NOTARY PUBLIC

**STEPHANIE HAYTON**  
NOTARY PUBLIC, State of New York  
No. 01HA6162690  
Qualified in New York County  
Commission Expires Sept. 18, 2010

# **Exhibit A**

**Shepherd, Michael**

---

**From:** Jeffrey Golenbock [jgolenbock@golenbock.com]  
**Sent:** Friday, October 12, 2007 2:10 PM  
**To:** Shepherd, Michael  
**Subject:** RE: Complaints filed on behalf of certain customers of Refco Capital Markets Ltd

Dear Mr. Shepherd:

I have been authorized by Phillip Bennett and RGHI to accept service of these two complaints.

Jeffrey T. Golenbock  
Golenbock Eiseman Assor Bell & Peskoe LLP  
437 Madison Avenue  
New York, N.Y. 10022  
tel: 212-907-7373  
fax: 212-754-0777  
jgolenbock@golenbock.com

---

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If you received this message in error, please notify us immediately at Postmaster@golenbock.com or call 1-212-907-7300.

---

**From:** Shepherd, Michael [mailto:MShepherd@milbank.com]  
**Sent:** Wednesday, October 10, 2007 1:12 PM  
**To:** Jeffrey Golenbock  
**Cc:** Bak, Sander  
**Subject:** Complaints filed on behalf of certain customers of Refco Capital Markets Ltd

11/21/2007



Counsel:

Attached are copies of two complaints we filed yesterday in the Southern District of New York on behalf of several RCM securities customers. The complaints name Philip R. Bennett as a defendant

Please let us know whether you are authorized to accept service on behalf of Mr. Bennett.

Regards,

---

**Michael Shepherd | Milbank | Litigation**

One Chase Manhattan Plaza | New York, NY 10005

T: 212.530.5012 | F: 212.822.5012

mshepherd@milbank.com | [www.milbank.com](http://www.milbank.com)

<<CMSF Complaint.PDF>> <<VR Complaint.PDF>>

=====

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11/21/2007

**MILBANK, TWEED, HADLEY & McCLOY LLP**

1 CHASE MANHATTAN PLAZA

NEW YORK, N.Y. 10005-1413

212-530-5000

FAX: 212-530-5219

LOS ANGELES  
213-892-4000  
FAX: 213-629-5063

PALO ALTO  
650-739-7000  
FAX: 650-739-7100

WASHINGTON, D.C.  
202-835-7500  
FAX: 202-835-7586

LONDON  
44-207-448-3000  
FAX: 44-207-448-3029

MUNICH  
49-89-25559-3600  
FAX: 49-89-25559-3700

FRANKFURT  
49-69-7593-7170  
FAX: 49-69-7593-8303

TOKYO  
813-3504-1050  
FAX: 813-3595-2790

HONG KONG  
852-2971-4888  
FAX: 852-2840-0792

SINGAPORE  
65-6428-2400  
FAX: 65-6428-2500

October 23, 2007

**VIA FED EX**

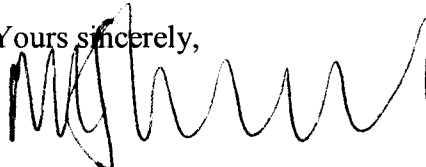
Jeffrey T. Golenbock, Esq.  
GOLENBOCK EISEMAN ASSOR BELL & PESKOE LLP  
437 Madison Avenue, 35th Fl.  
New York, NY 10022-7302

Re: VR Global Partners, L.P. et al. v. Bennett, et al., [07-CV-8686] and  
Capital Management Select Fund, Ltd., et al v. Bennett, et al., [07-CV-  
8688]

Dear Jeffrey,

We write as counsel to plaintiffs in the above-captioned lawsuits filed against your clients in the Southern District of New York. As per your e-mail to me of October 12, 2007 in which you stated you would accept service on behalf of your clients, and pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure, please find enclosed copies of the Summons, Complaint, and applicable Electronic Case Filing materials for each lawsuit.

Yours sincerely,



Michael Shepherd

Encls.

# **Exhibit B**

**Shepherd, Michael**

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**From:** Jerome, John J. [jjerome@saul.com]  
**Sent:** Tuesday, October 23, 2007 11:32 AM  
**To:** Shepherd, Michael  
**Subject:** RE: Complaints filed on behalf of certain customers of Refco Capital Markets Ltd

Thanks. Can't say I'm looking forward to them!

---

From: Shepherd, Michael [mailto:MShepherd@milbank.com]  
Sent: Tue 10/23/2007 11:04 AM  
To: Jerome, John J.  
Subject: RE: Complaints filed on behalf of certain customers of Refco Capital Markets Ltd

John, further to your email of October 17 we will serve you with the summons, complaints and electronic filing materials by fed ex likely today or tomorrow morning.

Kind regards,

Michael

---

From: Shepherd, Michael  
Sent: Wednesday, October 17, 2007 4:23 PM  
To: 'Jerome, John J.'  
Subject: RE: Complaints filed on behalf of certain customers of Refco Capital Markets Ltd

Thanks John. I will let you know the mode of service.

Regards,

Michael

---

From: Jerome, John J. [mailto:jjerome@saul.com]  
Sent: Wednesday, October 17, 2007 4:14 PM  
To: Shepherd, Michael  
Subject: RE: Complaints filed on behalf of certain customers of Refco Capital Markets Ltd

I think so but Joe is in Italy and I have tried to confirm before doing so. I'm sure its not a problem- just communication. Why don't you serve me anyway. Just let me know the mode so that I can start counting the days for the answer. I hope you can do it by fed ex deliverable tomorrow or Monday. I will acknowledge receipt or whatever else you need for your records.jjj

---

From: Shepherd, Michael [mailto:MShepherd@milbank.com]  
Sent: Wednesday, October 17, 2007 4:08 PM  
To: Jerome, John J.  
Subject: RE: Complaints filed on behalf of certain customers of Refco Capital Markets Ltd

John, can I take it you are authorized to accept service on behalf of Mr. Murphy?

Regards,

Michael

---

From: Jerome, John J. [mailto:jjjerome@saul.com]  
Sent: Wednesday, October 10, 2007 1:38 PM  
To: Shepherd, Michael  
Subject: RE: Complaints filed on behalf of certain customers of Refco Capital Markets Ltd

Thank you Michael

---

From: Shepherd, Michael [mailto:MShepherd@milbank.com]  
Sent: Wednesday, October 10, 2007 1:16 PM  
To: Jerome, John J.  
Cc: Bak, Sander  
Subject: Complaints filed on behalf of certain customers of Refco Capital Markets Ltd

Counsel:

Attached are copies of two complaints we filed yesterday in the Southern District of New York on behalf of several RCM securities customers. The complaints name Joseph J. Murphy as a defendant.

Please let us know whether you are authorized to accept service on behalf of Mr. Murphy.

Regards,

---

Michael Shepherd | Milbank | Litigation  
One Chase Manhattan Plaza | New York, NY 10005  
T: 212.530.5012 | F: 212.822.5012  
mshepherd@milbank.com | www.milbank.com <<http://www.milbank.com/>>

<<CMSF Complaint.PDF>> <<VR Complaint.PDF>>

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"Saul Ewing LLP <saul.com>" made the following annotations:

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NEW IRS RULES RESTRICT WRITTEN FEDERAL TAX ADVICE FROM LAWYERS AND ACCOUNTANTS. WE INCLUDE THIS STATEMENT IN ALL OUTBOUND EMAILS BECAUSE EVEN INADVERTENT VIOLATIONS MAY BE PENALIZED. NOTHING IN THIS MESSAGE IS INTENDED TO BE USED, OR MAY BE USED, TO AVOID ANY

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**MILBANK, TWEED, HADLEY & McCLOY LLP**

1 CHASE MANHATTAN PLAZA

NEW YORK, N.Y. 10005-1413

212-530-5000

FAX: 212-530-5219

LOS ANGELES  
213-892-4000  
FAX: 213-629-5063

PALO ALTO  
650-739-7000  
FAX: 650-739-7100

WASHINGTON, D.C.  
202-835-7500  
FAX: 202-835-7586

LONDON  
44-207-448-3000  
FAX: 44-207-448-3029

MUNICH  
49-89-25559-3600  
FAX: 49-89-25559-3700

FRANKFURT  
49-69-7593-7170  
FAX: 49-69-7593-8303

TOKYO  
813-3504-1050  
FAX: 813-3595-2790

HONG KONG  
852-2971-4888  
FAX: 852-2840-0792

SINGAPORE  
65-6428-2400  
FAX: 65-6428-2500

October 23, 2007

**VIA FED EX**

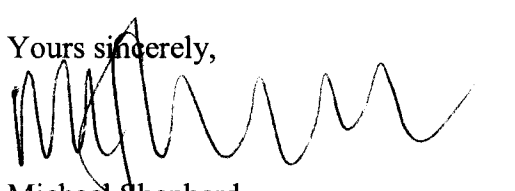
John Jerome, Esq.  
SAUL EWING LLP  
245 Park Avenue, 24th Fl.  
New York, NY 10167

Re: VR Global Partners, L.P. et al. v. Bennett, et al., [07-CV-8686] and  
Capital Management Select Fund Ltd., et al. v. Bennett, et al., [07-CV-  
8688]

Dear John,

We write as counsel to plaintiffs in the above-captioned lawsuits filed against your client in the Southern District of New York. As per your email to me of October 17, 2007 in which you stated that you would accept service on behalf of your client, and pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure, please find enclosed copies of the Summons, Complaint, and applicable Electronic Case Filing materials for each lawsuit.

Yours sincerely,



Michael Shepherd

Encls.

# **Exhibit C**



**Shepherd, Michael**

---

**From:** Ivan O. Kline [IKline@friedmanwittenstein.com]  
**Sent:** Thursday, October 11, 2007 3:53 PM  
**To:** Shepherd, Michael  
**Subject:** New RCM Customer Actions  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Michael,

This will confirm that we are authorized to accept service of the Complaint in the VR Global Partners and Capital Management Select Fund actions on behalf of William Sexton. As discussed, we understand you will agree to a reasonable extension of our time to respond to the complaints. As I mentioned, we would consider something in the mid-December time frame as reasonable. I understand that, in the interest of ending up with a uniform response date, and because the scheduling in these actions may end up being coordinated with the Global Management Action, you do not want to set a specific response deadline at this time.

Sincerely yours,  
Ivan O. Kline  
Friedman & Wittenstein  
A Professional Corporation  
600 Lexington Avenue  
15th Floor  
New York, New York 10022  
Tel: (212) 750-8700, ex. 119  
Fax: (212) 223-8391  
E-Mail: [ikline@friedmanwittenstein.com](mailto:ikline@friedmanwittenstein.com)

=====  
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=====

11/21/2007

**MILBANK, TWEED, HADLEY & McCLOY LLP**

1 CHASE MANHATTAN PLAZA

NEW YORK, N.Y. 10005-1413

212-530-5000

FAX: 212-530-5219

LOS ANGELES  
213-892-4000  
FAX: 213-629-5063

PALO ALTO  
650-739-7000  
FAX: 650-739-7100

WASHINGTON, D.C.  
202-835-7500  
FAX: 202-835-7586

LONDON  
44-207-448-3000  
FAX: 44-207-448-3029

MUNICH  
49-89-25559-3600  
FAX: 49-89-25559-3700

FRANKFURT  
49-69-7593-7170  
FAX: 49-69-7593-8303

TOKYO  
813-3504-1050  
FAX: 813-3595-2790

HONG KONG  
852-2971-4888  
FAX: 852-2840-0792

SINGAPORE  
65-6428-2400  
FAX: 65-6428-2500

October 23, 2007

**VIA FED EX**

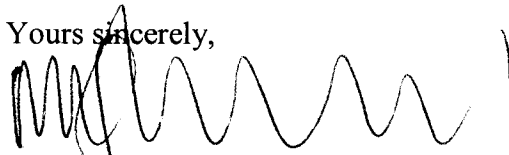
Ivan O. Kline, Esq.  
FRIEDMAN & WITTENSTEIN P.C.  
600 Lexington Ave.  
New York, NY 10022

Re: *VR Global Partners, L.P. et al. v. Bennett, et al.*, [07-CV-8686] and  
*Capital Management Select Fund Ltd., et al. v. Bennett, et al.*, [07-CV-  
8688]

Dear Ivan,

We write as counsel to plaintiffs in the above-captioned lawsuits filed against your client in the Southern District of New York. As per your e-mail to me of October 11, 2007 in which you stated that you would accept service on behalf of your client, and pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure, please find enclosed copies of the Summons, Complaint, and applicable Electronic Case Filing materials for each lawsuit.

Yours sincerely,



Michael Shepherd

Encls.

# **Exhibit D**

**Shepherd, Michael**

---

**From:** seth.goodchild@weil.com  
**Sent:** Wednesday, October 10, 2007 11:48 AM  
**To:** Shepherd, Michael  
**Cc:** Bak, Sander; rosen@paulweiss.com; Greg.Danilow@weil.com  
**Subject:** Re: Complaints filed on behalf of certain customers of Refco Capital Markets Ltd

Yes. We will accept service, subject to reservation of all defenses.

"Shepherd, Michael" <MShepherd@milbank.com> wrote on 10/10/2007 11:07:37 AM:

> Counsel:  
> Attached are copies of two complaints we filed yesterday in the  
> Southern District of New York on behalf of several RCM securities  
> customers. The complaints name the following THL entities and  
> individuals as defendants:  
> Thomas H. Lee Partners, L.P.;  
> Thomas H. Lee Advisors LLC;  
> THL Managers V, LLC;  
> THL Equity Advisors V, LLP;  
> Thomas H. Lee Equity Fund V, L.P.;  
> Thomas H. Lee Parallel Fund V, L.P.;  
> Thomas H. Lee Equity (Cayman) Fund V, L.P.;  
> Thomas H. Lee Investors Limited Partnership;  
> 1997 Thomas H. Lee Nominee Trust;  
> Thomas H. Lee;  
> David V. Harkins;  
> Scott L. Jaeckel; and  
> Scott A. Schoen.  
>  
> Please let us know whether you are authorized to accept service on  
> behalf of these entities and individuals.  
> Regards,  
>  
> \_\_\_\_\_  
> Michael Shepherd | Milbank | Litigation  
> One Chase Manhattan Plaza | New York, NY 10005  
> T: 212.530.5012 | F: 212.822.5012  
> mshepherd@milbank.com | www.milbank.com  
> <<CMSF Complaint.PDF>> <<VR Complaint.PDF>>  
>  
> =====  
>  
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> purpose of avoiding tax penalties that may be imposed regarding the  
> transactions or matters addressed. Some of that advice may have been  
> written to support the promotion or marketing of the transactions or  
> matters addressed within the meaning of IRS Circular 230, in which  
> case you should seek advice based on your particular circumstances  
> from an independent tax advisor.  
> =====  
>  
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> please immediately notify the sender and delete this e-mail message  
> from your computer.[attachment "CMSF Complaint.PDF" deleted by Seth

11/21/2007

> Goodchild/NY/WGM/US] [attachment "VR Complaint.PDF" deleted by Seth  
> Goodchild/NY/WGM/US]

< END >

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11/21/2007

**MILBANK, TWEED, HADLEY & McCLOY LLP**

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FAX: 44-207-448-3029

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SINGAPORE  
65-6428-2400  
FAX: 65-6428-2500

October 23, 2007

**VIA HAND DELIVERY**

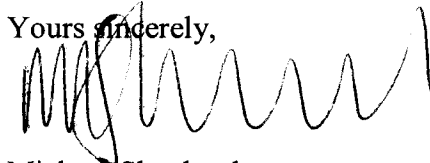
Seth Goodchild, Esq.  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153

Re: *VR Global Partners, L.P. et al. v. Bennett, et al., [07-CV-8686]* and  
*Capital Management Select Fund Ltd., et al. v. Bennett, et al., [07-CV-*  
*8688]*

Dear Seth,

We write as counsel to the plaintiffs in the above-captioned lawsuits filed against your clients in the Southern District of New York. As per your e-mail to me of October 10, 2007 in which you stated that you would accept service on behalf of your clients, and pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure, please find enclosed copies of the Summons, Complaint, and applicable Electronic Case Filing materials for each lawsuit.

Yours sincerely,



Michael Shepherd

Encls.

# **Exhibit E**

**Shepherd, Michael**

---

**From:** Goelman, Aitan D. [agoelman@zuckerman.com]  
**Sent:** Wednesday, October 10, 2007 3:32 PM  
**To:** Shepherd, Michael  
**Cc:** Bak, Sander; Hall, Jayne  
**Subject:** RE: Complaint filed on behalf of certain customers of Refco Capital Markets Ltd

I am authorized to accept service on behalf of Mr. Grant.

Very truly yours,



Aitan D. Goelman  
agoelman@zuckerman.com

---

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---

**From:** Shepherd, Michael [mailto:MShepherd@milbank.com]  
**Sent:** Wednesday, October 10, 2007 1:19 PM  
**To:** Goelman, Aitan D.  
**Cc:** Bak, Sander  
**Subject:** Complaint filed on behalf of certain customers of Refco Capital Markets Ltd

Counsel:

Attached is a copy of a complaint we filed yesterday in the Southern District of New York on behalf of several RCM securities customers. The complaint names Tone Grant as a defendant

Please let us know whether you are authorized to accept service on behalf of Mr. Grant.

Regards,

---

**Michael Shepherd** | [Milbank](#) | **Litigation**

One Chase Manhattan Plaza | New York, NY 10005  
T: 212.530.5012 | F: 212.822.5012

11/21/2007



mshepherd@milbank.com | [www.milbank.com](http://www.milbank.com)

<<VR Complaint.PDF>>

=====

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11/21/2007

## Shepherd, Michael

---

**From:** Goelman, Aitan D. [agoelman@zuckerman.com]  
**Sent:** Tuesday, October 16, 2007 2:02 PM  
**To:** Shepherd, Michael  
**Cc:** Eisen, Norman L.; Neish, Laura  
**Subject:** RE: Capital Management et al. v. Bennett et al., [07-CV-8688] & VR Global Partners et al. v. Bennett et al., [07-CV-8686]

Michael, would you pls substitute my colleagues Norm Eisen and Laura Neish, whom I'm copying on this email, for me as counsel for Tone Grant?

thanks,



Aitan D. Goelman  
agoelman@zuckerman.com

---

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---

**From:** Shepherd, Michael [mailto:MShepherd@milbank.com]  
**Sent:** Tuesday, October 16, 2007 12:37 PM  
**To:** sblacklocks@hunton.com; bbrown@winston.com; michaelcarlinsky@quinnemanuel.com; Richard.cashman@hellerehrman.com; Greg.danilow@weil.com; dfrankel@kramerlevin.com; sfriedman@friedmanwittenstein.com; Goelman, Aitan D.; jgolenbock@golenbock.com; Seth.goodchild@weil.com; mth@hannafanlaw.com; jjerome@saul.com; susheelkirpalani@quinnemanuel.com; msk18a@yahoo.com; ikline@friedmanwittenstein.com; bmoses@maglaw.com; mpomerantz@paulweiss.com; ipress@kmslaw.com; sascharand@quinnemanuel.com; Kenneth.schacter@bingham.com; rstoneesq@aol.com; mstrauss@kmslaw.com; sava@sfa-law.com; rickwerder@quinnemanuel.com  
**Cc:** Edelman, Scott; Bak, Sander  
**Subject:** Capital Management et al. v. Bennett et al., [07-CV-8688] & VR Global Partners et al. v. Bennett et al., [07-CV-8686]

Counsel:

11/27/2007

Attached is a letter which was delivered today to Judge Lynch in relation to the two complaints filed last week on behalf of several RCM securities customers and captioned *Capital Management Select Fund Ltd., et al. v. Bennett, et al.*, [07-CV-8688] and *VR Global Partners, L.P. et al. v. Bennett, et al.*, [07-CV-8686].

Regards,

---

**Michael Shepherd | Milbank | Litigation**

One Chase Manhattan Plaza | New York, NY 10005

T: 212.530.5012 | F: 212.822.5012

mshepherd@milbank.com | [www.milbank.com](http://www.milbank.com)

<<2007.10.16 Ltr to Judge Lynch.PDF>>

=====

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October 23, 2007

**VIA FED EX**

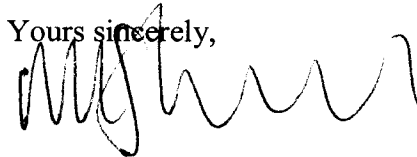
Norman Eisen, Esq.  
Laura Neish, Esq.  
Aitan Goelman, Esq.  
ZUCKERMAN SPAEDER, LLP  
1800 M. St. N.W., Suite 1000  
Washington, D.C. 20036

Re: *VR Global Partners, L.P. et al. v. Bennett, et al.*, [07-CV-8686]

Dear Counsel,

We write as counsel to plaintiffs in the above-captioned lawsuit filed against your client in the Southern District of New York. As per the e-mail from Aitan Goelman to me of October 10, 2007 in which your firm agreed to accept service on behalf of your client, and pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure, please find enclosed copies of the Summons, Complaint, and applicable Electronic Case Filing materials.

Yours sincerely,



Michael Shepherd

Encls.

# **Exhibit F**

**Shepherd, Michael**

---

**From:** Lerman, Bradley [BLerman@winston.com]  
**Sent:** Tuesday, October 23, 2007 1:00 PM  
**To:** Shepherd, Michael; Braun, Bruce  
**Subject:** RE: VR Global Partners et al. v. Bennett et al., [07-CV-8686]

Michael:

We can accept service.

Brad

-----Original Message-----

From: Shepherd, Michael [mailto:MShepherd@milbank.com]  
  
Sent: Tuesday, October 23, 2007 10:31 AM  
To: Braun, Bruce  
Cc: Lerman, Bradley  
Subject: RE: VR Global Partners et al. v. Bennett et al., [07-CV-8686]

Bruce,

Have you obtained instructions to accept service for Grant Thornton?

Kind regards,

Michael

-----Original Message-----

From: Shepherd, Michael  
  
Sent: Wednesday, October 17, 2007 5:02 PM  
To: 'Braun, Bruce'  
Cc: Lerman, Bradley  
Subject: RE: VR Global Partners et al. v. Bennett et al., [07-CV-8686]

Many thanks Bruce.

-----Original Message-----

From: Braun, Bruce [mailto:BBraun@winston.com]  
Sent: Wednesday, October 17, 2007 5:00 PM  
To: Shepherd, Michael  
Cc: Lerman, Bradley  
Subject: Re: VR Global Partners et al. v. Bennett et al., [07-CV-8686]

We will venture to do so.

----- Original Message -----

From: Shepherd, Michael <MShepherd@milbank.com>  
To: Braun, Bruce  
Sent: Wed Oct 17 15:29:43 2007  
Subject: VR Global Partners et al. v. Bennett et al., [07-CV-8686]

Counsel:

Further to my email below, would you please let me know if you are authorized to accept service on behalf of Grant Thornton LLP by 5.00pm Friday October 19, 2007.

Kind regards,

---

Michael Shepherd | Milbank | Litigation  
One Chase Manhattan Plaza | New York, NY 10005  
T: 212.530.5012 | F: 212.822.5012  
mshepherd@milbank.com | www.milbank.com <<http://www.milbank.com/>>

---

From: Shepherd, Michael  
Sent: Wednesday, October 10, 2007 1:23 PM  
To: 'bbraun@winston.com'  
Cc: Bak, Sander  
Subject: Complaint filed on behalf of certain customers of Refco  
Capital Markets Ltd

Counsel:

Attached is a copy of a complaint we filed yesterday in the Southern District of New York on behalf of several RCM securities customers. The complaint names Grant Thornton LLP as a defendant

Please let us know whether you are authorized to accept service on behalf of Grant Thornton LLP.

Regards,

---

Michael Shepherd | Milbank | Litigation  
One Chase Manhattan Plaza | New York, NY 10005  
T: 212.530.5012 | F: 212.822.5012  
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October 23, 2007

**VIA FED EX**

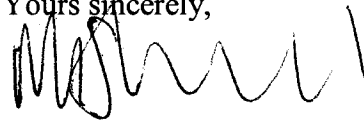
Bradley Lerman, Esq.  
Bruce Braun, Esq  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, IL 60601

Re: VR Global Partners, L.P. et al. v. Bennett, et al., [07-CV-8686]

Dear Brad,

We write as counsel to the plaintiffs in the above-captioned lawsuit filed against your client in the Southern District of New York. As per your e-mail to me of October 23, 2007 in which you stated you would accept service on behalf of your client, and pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure, please find enclosed copies of the Summons, Complaint, and applicable Electronic Case Filing materials.

Yours sincerely,



Michael Shepherd

Encls.

# **Exhibit G**

## Shepherd, Michael

---

**From:** Hershman, Scott [shershman@hunton.com]  
**Sent:** Wednesday, October 24, 2007 7:08 PM  
**To:** Shepherd, Michael  
**Subject:** RE: Capital Management et al. v. Bennett et al., [07-CV-8688] & VR Global Partners et al. v. Bennett et al., [07-CV-8686]

Yes, we will accept service. You can direct the papers to me.  
Regards,  
Scott

---

**From:** Shepherd, Michael [mailto:MShepherd@milbank.com]  
**Sent:** Wednesday, October 24, 2007 6:24 PM  
**To:** Hershman, Scott  
**Cc:** Blacklocks, Stephen  
**Subject:** Capital Management et al. v. Bennett et al., [07-CV-8688] & VR Global Partners et al. v. Bennett et al., [07-CV-8686]

Scott,

My apologies if the correspondence below would have been more appropriately directed to you. I would be grateful if you could let me know if you or any of your partners are authorized to accept service of the attached complaints on behalf of Mr. Maggio.

Regards,

Michael Shepherd

---

**From:** Shepherd, Michael  
**Sent:** Wednesday, October 24, 2007 3:39 PM  
**To:** 'sblacklocks@hunton.com'  
**Subject:** Capital Management et al. v. Bennett et al., [07-CV-8688] & VR Global Partners et al. v. Bennett et al., [07-CV-8686]

Stephen,

Further to my emails of October 10, October 17, and my voice message to you of October 23, 2007, would you please let me know if you authorized to accept service on behalf of Mr. Maggio.

Many thanks,

Michael Shepherd

---

**From:** Shepherd, Michael  
**Sent:** Wednesday, October 17, 2007 4:28 PM  
**To:** 'sblacklocks@hunton.com'  
**Subject:** Capital Management et al. v. Bennett et al., [07-CV-8688] & VR Global Partners et al. v. Bennett et al., [07-CV-8686]

11/21/2007

Counsel:

Further to my email below, would you please let me know if you are authorized to accept service on behalf of Mr. Maggio by 5.00pm Friday October 19, 2007.

Kind regards,

---

**Michael Shepherd | Milbank | Litigation**

One Chase Manhattan Plaza | New York, NY 10005

T: 212.530.5012 | F: 212.822.5012

mshepherd@milbank.com | [www.milbank.com](http://www.milbank.com)

---

**From:** Shepherd, Michael

**Sent:** Wednesday, October 10, 2007 1:16 PM

**To:** 'sblacklocks@hunton.com'

**Cc:** Bak, Sander

**Subject:** Complaints filed on behalf of certain customers of Refco Capital Markets Ltd

Counsel:

Attached are copies of two complaints we filed yesterday in the Southern District of New York on behalf of several RCM securities customers. The complaints name Santo C. Maggio as a defendant

Please let us know whether you are authorized to accept service on behalf of Mr. Maggio

Regards,

---

**Michael Shepherd | Milbank | Litigation**

One Chase Manhattan Plaza | New York, NY 10005

T: 212.530.5012 | F: 212.822.5012

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<<CMSF Complaint.PDF>> <<VR Complaint.PDF>>

=====

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49-69-7593-7170  
FAX: 49-69-7593-8303

TOKYO  
813-3504-1050  
FAX: 813-3595-2790

HONG KONG  
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FAX: 852-2840-0792

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FAX: 65-6428-2500

October 25, 2007

VIA FED EX

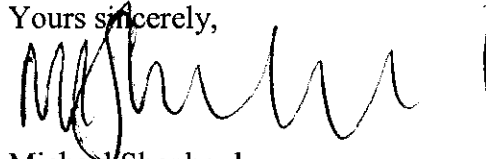
Scott E. Hershman, Esq.  
Hunton & Williams, LLP  
200 Park Ave. 43rd Floor  
New York, NY 10166

Re: VR Global Partners, L.P. et al. v. Bennett, et al., [07-CV-8686] and  
Capital Management Select Fund Ltd., et al. v. Bennett, et al., [07-CV-  
8688]

Dear Scott,

We write as counsel to plaintiffs in the above-captioned lawsuits filed against your client in the Southern District of New York. As per your email to me of October 24, 2007 in which you agreed to accept service on behalf of your client, and pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure, please find enclosed copies of the Summons, Complaint, and applicable Electronic Case Filing materials for each lawsuit.

Yours sincerely,



Michael Shepherd

Encls.

# **Exhibit H**

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October 25, 2007

VIA FED EX

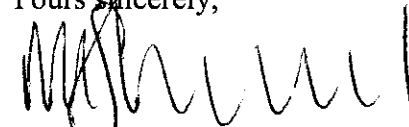
Richard Cashman, Esq.  
HELLER EHRMAN, WHITE & McAULIFFE, LLP  
Times Square Tower  
7 Times Square  
New York, NY 10036-6524

Re: VR Global Partners, L.P. et al. v. Bennett, et al., [07-CV-8686] and  
Capital Management Select Fund Ltd., et al. v. Bennett, et al., [07-CV-  
8688]

Dear Richard,

We write as counsel to the plaintiffs in the above-captioned lawsuits filed against your client in the Southern District of New York. As per your discussion with me on October 24, 2007, in which you agreed to accept service on behalf of your client, and pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure, please find enclosed copies of the Summons, Complaint, and applicable Electronic Case Filing materials for each lawsuit. As discussed, we agree to an extension of the 20 day period to answer the complaints and we will endeavor to reach agreement with you on a mutually acceptable date by which the answers to the complaints are to be served.

Yours sincerely,



Michael Shepherd

Encls.